

1 STATE OF ILLINOIS )  
 ) SS:  
2 COUNTY OF C O O K )

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE )  
5 STATE OF ILLINOIS, )  
 )  
6 Plaintiff, )  
 ) No. 90 CR 23997  
7 vs. )  
 ) Charge:  
8 CORTEZ BROWN a/k/a )  
 VICTOR SAFFORLD, )  
9 )  
 Defendant. )

11 REPORT OF PROCEEDINGS of the  
12 hearing had before the HONORABLE CLAYTON J.  
13 CRANE, on the 22nd day of May 2009, in Chicago,  
14 Illinois.

16 APPEARANCES:

17 OFFICE OF THE ATTORNEY GENERAL, by  
MR. VICENZO CHIMERA, PAUL BERVID  
18 and ERIC LEVIN,  
Assistant Attorney Generals,  
19 on behalf of the People;

20 MR. LOCKE BOWMAN, MR. FLINT  
TAYLOR, MS. JOEY MOGUL and  
21 MS. SARAH GELSOMINO,  
on behalf of the Defendant.

23 Sandra Battaglia  
24 Official Court Reporter  
Criminal Division  
C.S.R. #084-003168

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INDEX

People vs. CORTEZ BROWN a/k/a VICTOR SAFFORLD

Ruling: P. 3

Reporter's Certificate - Page 10

1           THE COURT:   Okay.   The next matter before  
2           the Court is the People of the State of Illinois  
3           versus Cortez Brown also known as Victor  
4           Safforld.   You can take a seat over there.

5                       Okay.   Hopefully this is the last  
6           time in this issue.   Counsels, announce your  
7           names for the record from the Petitioner's table  
8           first.

9           MR. BOWMAN:   My name is Locke Bowman on  
10          behalf of Victor Safforld.

11          MR. TAYLOR:   Flint, F-L-I-N-T, Taylor on  
12          behalf of Mr. Safforld.

13          MS. MOGUL:    Joey Mogul, M-O-G-U-L, on  
14          behalf of Mr. Safforld.

15          MS. GELSOMINO: Sarah Gelsomino,  
16          G-E-L-S-O-M-I-N-O, on behalf of Victor Safforld.

17          MR. LEVIN:    Eric Levin, L-E-V-I-N, on  
18          behalf of the Attorney General's Office.

19          MR. BERVID:   Paul Bervid, B-E-R-V-I-D, also  
20          on behalf of the Illinois Attorney General's  
21          Office.

22          MR. CHIMERA:   Good morning, your Honor.

23                       Vincenzo Chimera, C-H-I-M-E-R-A,  
24          from the Attorney General's Office.

1           THE COURT:   Thank you.

2                       I indicated today that I would  
3   have my ruling.   My ruling is not in writing.   I  
4   ran out of time.   But I shall give the ruling.  
5   And I am sure that's what most people are  
6   concerned about.

7                       This Court had the ability to  
8   observe the interest, bias, and credibility of  
9   the various witnesses who testified in this  
10   matter.   This Court took into account only  
11   competent, relevant, and material evidence.

12                      Although there are over 100  
13   exhibits recovered in this case, those matters  
14   which were considered by the Court as concerns  
15   those various exhibits which were admitted were  
16   only to the limited purpose for which each  
17   exhibit was admitted.   Those issues of hearsay  
18   were not considered.   Those issues of opinion  
19   were not considered.

20                      This is a third stage  
21   postconviction hearing.   The issue is whether or  
22   not the Petitioner in this matter incurred a  
23   substantial denial of his constitutional right  
24   during the initial prosecution of this case.

1       This narrows down to whether the statement that  
2       the Petitioner gave implicating himself was  
3       voluntary or that his will was overborne by the  
4       actions of the police causing him to confess.

5               This hearing was essentially a new  
6       motion to suppress statements. At this hearing,  
7       the only person that was in the room who  
8       testified was the Petitioner. The present or  
9       past detectives were silent. I am taking that  
10      silence into consideration.

11             As concerns September 21st, 1990,  
12      there were some circumstantial witnesses. Those  
13      included the Assistant -- two Assistant State's  
14      Attorneys, one of each -- each one who took a  
15      statement in this matter, and the court  
16      reporter.

17             They indicated in their testimony  
18      they saw no visual signs of any harm caused to  
19      the defendant, and the defendant did not  
20      complain of any harm. It is also fair to note  
21      that in the pictures taken of the defendant on  
22      that particular day, I can't see any visual  
23      signs. I am not a doctor.

24             He was wearing long pants. He had

1 a long-sleeve shirt on. He was dealing with  
2 experienced -- very experienced detectives.

3 Much was made of the fact that the  
4 defendant -- the Petitioner, excuse me, in this  
5 particular matter -- Petitioner may no  
6 complaints. The fact of the matter is, the  
7 Petitioner is staying in the custody of the  
8 Chicago Police Department after he makes the  
9 statement. He is not going home with the  
10 State's Attorneys.

11 On the other hand, Mr. Safforld is  
12 not a good witness. I have been exposed to  
13 Mr. Safforld, known as Cortez Brown by me, for  
14 an extended period of time. I found him to be a  
15 mature, streetwise individual. He sure didn't  
16 testify that way.

17 I don't know what he was like 19  
18 years ago. I can only glean that from his  
19 testimony and from his behavior at the time of  
20 the original incident.

21 When he was interviewed by  
22 Sergeant Baker, he lied about his age. He used  
23 13. That's the magic number to get you treated  
24 as an individual. He didn't give the right

1        name. He figured maybe nobody would be able to  
2        track him down.

3                    I will indicate that Sergeant  
4        Baker was the best witness in this case. I  
5        believed absolutely everything he said. The  
6        defendant did sign that statement. That is the  
7        defendant's signature. He was given his rights.

8                    The Petitioner's various  
9        explanations of the events that occurred in the  
10       room don't help his case. The issues where did  
11       you get hit, how did you get hit, what did you  
12       get hit with, seem to adjust themselves based  
13       upon where he was testifying.

14                   Given that, I understand the  
15       original ruling in this case. I understand who  
16       the witnesses were, and I understand what the  
17       outcome of that ruling was.

18                   In this hearing, I had an  
19       advantage over the judge in that hearing. I  
20       also had a disadvantage over the judge in that  
21       hear. The disadvantage I had in this hearing  
22       was I have no testimony from the other  
23       individuals in that room. My advantage is I  
24       have some additional evidence as to the

1 behaviors of some, if not all, of the detectives  
2 in this case.

3 That evidence is staggering. That  
4 evidence is damning. The Petitioner has met his  
5 burden. Petition granted. Motion for new  
6 trial.

7 Court is in session.

8 THE SHERIFF: Court is still in session.

9 THE COURT: Court will be in recess for  
10 five minutes.

11 If you want to celebrate or  
12 whatever you want to do, go outside. I  
13 apologize for making the Sims' family victims  
14 again.

15

16 ( WHEREUPON the case was passed  
17 and later recalled. )

18

19 THE COURT: Cortez Brown.

20 Bring out Mr. Brown, okay -- if  
21 they are not up here -- or Mr. Safforld.

22 MR. BERVID: They are not in the hallway.  
23 I know that.

24 THE COURT: Okay.



1           THE SHERIFF:  They all went downstairs.  Do  
2           you need them back up?

3           THE COURT:  Yes.  Tell them I want them  
4           right now.

5                       Okay.  This matter is -- we need a  
6           date.

7           MS. MOGUL:  Good morning again, your Honor.  
8                       Joey Mogul and Sarah Gelsomino on  
9           behalf of Mr. Safforld.

10                      Your Honor, we would ask -- and I  
11           have discussed this with Mr. Chimera -- if we  
12           can set this down for next Friday.

13           THE COURT:  Does that work for you?

14           MR. CHIMERA:  That's fine.  By agreement,  
15           Judge.

16           THE COURT:  By agreement to next Friday,  
17           which is the 29th.  Okay.  See everybody back  
18           here then.

19

20                               ( WHEREUPON the above-entitled  
21                               cause was continued to  
22                               5-29-09 in Courtroom 600. )

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STATE OF ILLINOIS )  
 ) SS.  
COUNTY OF C O O K )

I, SANDRA BATTAGLIA, Official  
Shorthand Reporter of the Circuit Court of Cook  
County, County Department, Criminal Division, do  
hereby certify that I reported in shorthand the  
proceedings had at the hearing of the  
above-entitled cause, and that the foregoing is  
a true and correct transcript of the proceedings  
had.

Official Shorthand Reporter  
C.S.R. #084-003168  
Circuit Court of Cook County  
County Department  
Criminal Division

Dated this 3rd day of June, 2009